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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 Lawrence T. Brown,

7 Plaintiff,

8 v.

9 Board of County Commissioner, et al.,

10 Defendants.

Case No. 2:25-cv-00159-GMN-DJA

11 **Order**

12 Pro se Plaintiff Lawrence T. Brown filed an application to proceed *in forma pauperis*.
13 (ECF No. 1). However, Plaintiff's application is missing certain information. The Court thus
14 denies Plaintiff's application without prejudice.

15 **I. Discussion.**

16 Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action "without prepayment of
17 fees or security therefor" if the plaintiff submits a financial affidavit that demonstrates the
18 plaintiff "is unable to pay such fees or give security therefor." The Ninth Circuit has recognized
19 that "there is no formula set forth by statute, regulation, or case law to determine when someone
20 is poor enough to earn [*in forma pauperis*] status." *Escobedo v. Applebees*, 787 F.3d 1226, 1235
21 (9th Cir. 2015). An applicant need not be destitute to qualify for a waiver of costs and fees, but
22 he must demonstrate that because of his poverty he cannot pay those costs and still provide
23 himself with the necessities of life. *Adkins v. E.I DuPont de Nemours & Co.*, 335 U.S. 331, 339
(1948).

24 The applicant's affidavit must state the facts regarding the individual's poverty "with
25 some particularity, definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940
26 (9th Cir. 1981) (citation omitted). If an individual is unable or unwilling to verify his or her
27 poverty, district courts have the discretion to make a factual inquiry into a plaintiff's financial
28 status and to deny a request to proceed *in forma pauperis*. See, e.g., *Marin v. Hahn*, 271

1 Fed.Appx. 578 (9th Cir. 2008) (finding that the district court did not abuse its discretion by
2 denying the plaintiff's request to proceed *in forma pauperis* because he "failed to verify his
3 poverty adequately"). "Such affidavit must include a complete statement of the plaintiff's
4 personal assets." *Harper v. San Diego City Admin. Bldg.*, No. 16-cv-00768 AJB (BLM), 2016
5 U.S. Dist. LEXIS 192145, at *1 (S.D. Cal. June 9, 2016). Misrepresentation of assets is sufficient
6 grounds for denying an *in forma pauperis* application. *Cf. Kennedy v. Huibregtse*, 831 F.3d 441,
7 443-44 (7th Cir. 2016) (affirming dismissal with prejudice after litigant misrepresented assets on
8 *in forma pauperis* application).

9 Plaintiff's application contains unclear and contradictory information. In answering
10 question 1, Plaintiff claims to have made \$0 from employment, self-employment, income from
11 real property, interest and dividends, gifts, alimony, or child support in the past twelve months
12 and expects to make \$0 in these categories in the next month. He does not include anything in the
13 spaces indicating how much his spouse makes in these categories. However, also in response to
14 question 1, Plaintiff does not fill out the boxes indicating how much he receives in retirement,
15 disability, unemployment payments, public assistance, or other sources, but fills out that his
16 spouse expects to make \$0 in these categories next month. He does not indicate how much his
17 spouse has received in these categories in the past twelve months.

18 In response to question 2, Plaintiff claims to make \$0 in gross monthly pay. But he does
19 not fill out the rest of the question, requesting his employment history for the past two years, and
20 his employers' names, addresses, and his dates of employment. In response to question 3,
21 Plaintiff claims that his spouse makes \$0 in gross monthly pay, but does not fill out the rest of the
22 question, requesting his spouse's employment history for the past two years, and their employers'
23 names, addresses, and their dates of employment. Plaintiff leaves question 4, asking how much
24 he and his spouse have in cash, blank. He partially fills out the rest of the question by indicating
25 that his spouse has \$0 in bank accounts or financial institutions, but does not answer the rest of
26 the question, asking for the name of each institution, the type, or the amount that *he* has in those
27 accounts or financial institutions.
28

1 In response to question 5, Plaintiff claims to have no assets. And in response to 8,
2 Plaintiff claims to have \$0 in bills, and responds “SNAP” to the category asking how much he
3 pays in food each month. He responds “N/A” to the questions asking about the amount his
4 spouse pays in bills each month. In response to question 11, Plaintiff provides that he is homeless
5 and relies on SNAP benefits. However, on the docket, Plaintiff includes an address. Public
6 records indicate that the address is a house. But Plaintiff provides no explanation about why he
7 lists this house as his address or how he lives there—if he indeed does—given his assertion to
8 have no money and no bills.

9 Given these contradictions, the Court cannot determine whether Plaintiff qualifies for *in*
10 *forma pauperis* status. The Court will give Plaintiff one opportunity to file a complete *in forma*
11 *pauperis* application on this Court’s Long Form application. The Court further orders that
12 Plaintiff may not respond with a zero or “not applicable” in response to any question without
13 providing an explanation for each of the questions. Plaintiff also may not leave any questions
14 blank. Plaintiff must describe each source of money that he receives, state the amount he
15 received, and what he expects to receive in the future.

16 The Court denies Plaintiff’s *in forma pauperis* application without prejudice. The Court
17 gives Plaintiff 30 days to file an updated application. Plaintiff must fully answer all applicable
18 questions and check all applicable boxes. Plaintiff may alternatively pay the filing fee in full.
19 Since the Court denies Plaintiff’s application, it does not screen the complaint at this time.

20
21 **IT IS THEREFORE ORDERED** that Plaintiff’s application to proceed *in forma*
22 *pauperis* (ECF No. 1) is **denied without prejudice**.

23 **IT IS FURTHER ORDERED** that Plaintiff has until **April 21, 2025**, to file an updated
24 application to proceed *in forma pauperis* as specified in this order or pay the filing fee. Failure to
25 timely comply with this order may result in a recommendation to the district judge that this case
26 be dismissed.

1 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff
2 a copy of this order and of the Long Form application to proceed *in forma pauperis* and its
3 instructions.¹

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5 DATED: March 21, 2025

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9 DANIEL J. ALBREGTS
10 UNITED STATES MAGISTRATE JUDGE

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27 _____
28 ¹ This form and its instructions can also be found at <https://www.nvd.uscourts.gov/court-information/forms/> under Code AO 239.